

EXHIBIT NO. 1

4
4-21-01

Docket Item #4
SPECIAL USE PERMIT #2001-0012

Planning Commission Meeting
April 3, 2001

ISSUE: Consideration of a special use permit review for a restaurant.

APPLICANT: Savitri Sakulsom

LOCATION: 2018 Mount Vernon Avenue
Thai Peppers Restaurant

ZONE: CL/Commercial Low

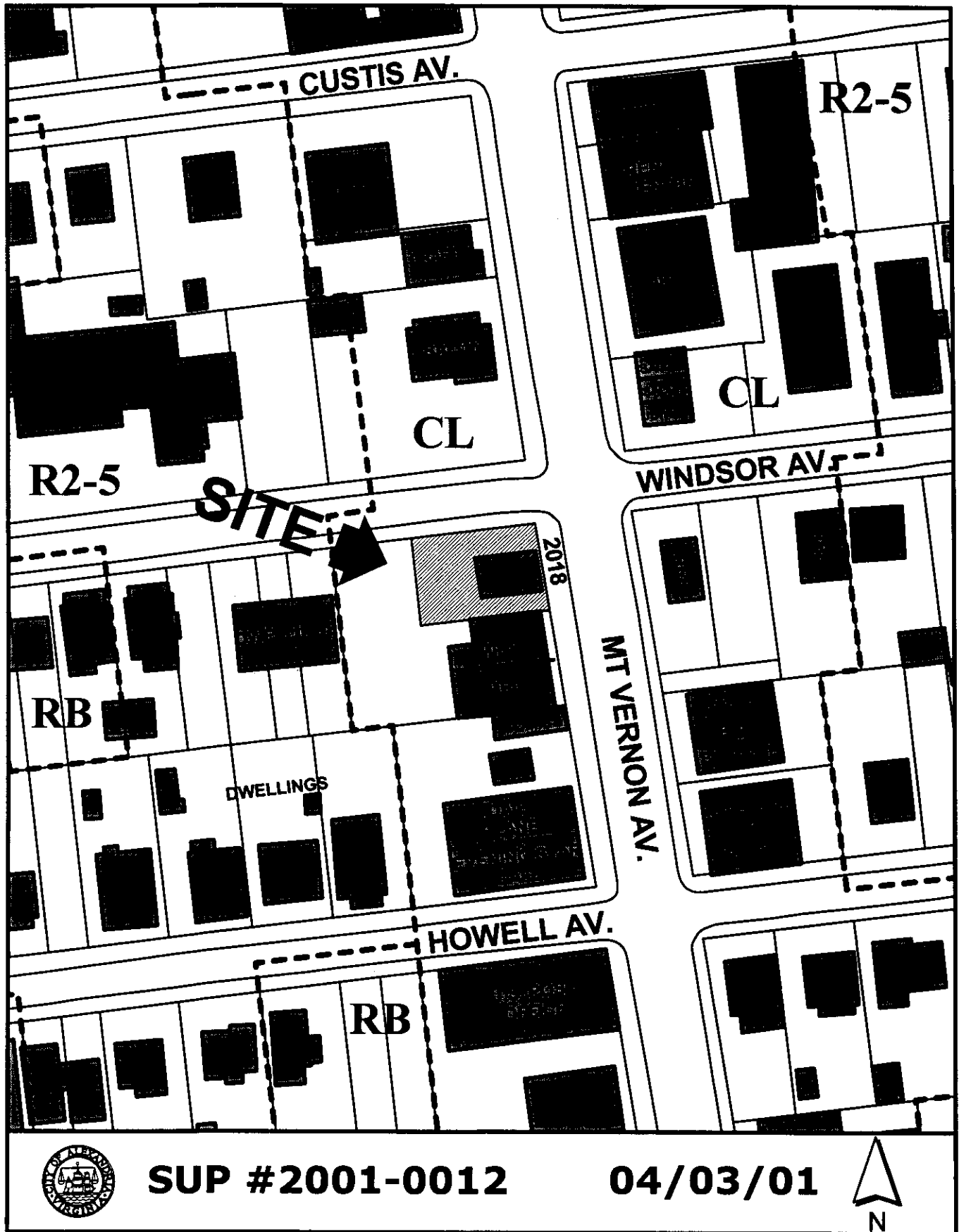
PLANNING COMMISSION ACTION, APRIL 3, 2001 : On a motion by Mr. Leibach, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendation. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis.

Speakers:

Amy Slack, on behalf of the Del Ray Citizens Association, requested that the special use permit be reviewed in six months rather than one year because of past problems with the dumpster and with rats.

Savitri Sakulson, applicant, spoke.



STAFF RECOMMENDATION:

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z) (SUP #1732-E)
2. Indoor seating shall be provided inside for no more than 30 patrons, and a total of not more than 40 seats shall be provided, including the outdoor seating. (PC) (SUP #2000-0018)
3. Outside dining facilities may be located along the north side of the building for a maximum of 20 patrons. (P&Z) (SUP #95-0037)
4. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #1732)
5. Trash and garbage shall be stored inside or in a dumpster. (P&Z) (SUP #1732)
6. One standard City trash container shall be provided in the front of the site and shall be installed within six months of City Council approval. (P&Z) (SUP #98-0036)
7. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice daily, and more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z) (T&ES) (SUP #1732)
8. The hours of operation shall be limited to 7:00 A.M. to 10:00 P.M. Sunday through Thursday and from 7:00 A.M. to 11:00 P.M. on Fridays and Saturdays. (P&Z) (SUP #99-0074)
9. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #1732-B)
10. The dumpster shall be screened. (P&Z) (SUP #1732-B)
11. The rear parking lot surface shall be repaired and thereafter maintained. (PC) (CC) (SUP #1732-B)
12. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP #99-0074)

13. Kitchen equipment shall not be cleaned outside nor shall any cooking residue be washed into the street or storm sewers. (T&ES) (SUP #95-0037)
14. Outside dining facilities shall be located in the area delineated on the accompanying plan, with design plans subject to the approval of the Director of Planning and Zoning. (P&Z) (SUP #95-0037)
15. The hours of operation for outdoor seating shall be limited to 8:00 A.M. to 9:30 P.M., daily. Outdoor seating shall be cleared of patrons by 9:30 P.M. and the area shall be cleaned and washed before 10:00 P.M. (P&Z) (SUP #95-0037)
16. No live entertainment shall be provided at the restaurant and no live or recorded entertainment shall be permitted outside. (P&Z) (SUP #95-0037)
17. **CONDITION RETAINED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year from the date of approval, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director has received a request from any person to docket the permit for review, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. ~~(P&Z) (SUP #2000-0018)~~ (P&Z)
18. The applicant shall provide one shade tree and one ornamental tree to be planted to the north of the building. (Arborist) (SUP #95-0037)
19. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey for the business and a robbery awareness program for employees. (Police) (SUP #98-0036)
20. The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Health. (Health) (SUP #99-0074)
21. All exterior improvements, including signage, shall conform with the Mount Vernon Avenue Design Guidelines. (P&Z) (SUP #2000-0018)

Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour.

DISCUSSION:

1. The applicant, Savitri Sakulsom, is before the Planning Commission for a review of the special use permit for a restaurant located at 2018 Mount Vernon Avenue.
2. The subject property is one lot of record with 55 feet of frontage on Mount Vernon Avenue, 76 feet of frontage on East Windsor Avenue, and a lot area of 4,400 square feet. The restaurant is located in a two story building with a deck for outdoor dining. There is a parking lot with 10 parking spaces located behind the building. While the adjacent uses on Mount Vernon Avenue are commercial uses, the lots on Windsor Avenue, behind the restaurant, are residential.
3. A restaurant has been in operation at this location since 1984, when City Council granted Special Use Permit #1732 to Tony Gee to operate the Snack Bar, a 20 seat restaurant with carry-out service. Since then the restaurant has changed hands several times and is currently operated as Thai Peppers. On September 18, 1999, City Council granted Special Use Permit #99-0074 allowing the restaurant to operate one hour later than previously allowed on Fridays and Saturdays. No change was approved for the hours of operation of the outdoor dining area. On April 15, 2000, City Council reviewed and approved the continued operation of the restaurant.
4. On January 26, 2001, staff inspected the property to determine if the applicant was in compliance with the conditions of the special use permit. Staff observed a violation of the permit conditions and issued a citation. Specifically, staff observed litter on the site and around the applicant's dumpster. Staff reinspected the property on February 9, 2001, and observed that the litter had been removed.
5. No changes are proposed to the operation of the restaurant.
6. Staff is aware of past complaints received by the Code Enforcement office regarding an odor associated with the applicant's dumpster. Code Enforcement staff advised us that since the applicant has obtained a new dumpster, Code staff are not aware of any new complaints regarding odors or trash.
7. Zoning: The subject property is located in the CL/Commercial Low zone. Section 4-103(M) of the zoning ordinance allows a restaurant in the CL zone only with a special use permit. The property does comply with the Mount Vernon Design Guidelines.
8. Master Plan: The proposed use is consistent with the Potomac West small area plan chapter of the Master Plan which designates the property for commercial use.

STAFF ANALYSIS:

Staff has no objection to the continued operation of the restaurant located at 2018 Mount Vernon Avenue. Staff has amended the review condition to require another review of the restaurant one year from this approval in order to ensure that the applicant complies with the conditions of the special use permit. With these conditions, staff recommends approval of the special use permit.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Kathleen Beeton, Urban Planner.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

F-1 No comments.

Code Enforcement:

F-1 No comments.

Health Department:

F-1 No objection to continued use.

Police Department:

F-1 No comments.

APPLICATION for SPECIAL USE PERMIT # 2001-0012

[must use black ink or type]

PROPERTY LOCATION: 2018 MT. VERNON AV.

TAX MAP REFERENCE: 34.04-06-11 ZONE: CL

APPLICANT Name: SAVITRI SAKULSOM

Address: _____

PROPERTY OWNER Name: _____

Address: _____

PROPOSED USE: Review of Restaurant
"Thai Peppers"

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Print Name of Applicant or Agent

Signature

4705 AUTUMN COVE CT.

Mailing/Street Address

703-739-7627

Telephone #

Fax #

ALEXANDRIA, VA 22312

City and State

Zip Code

Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____



ALEXANDRIA DEPARTMENT OF
PLANNING AND ZONING
301 King Street, Room 2100
Alexandria, Virginia 22314

NOTICE OF VIOLATION

YOU ARE CHARGED WITH VIOLATING THE
ALEXANDRIA, VIRGINIA ZONING ORDINANCE

January 26 2001 Friday 11:01am
Date ticket served Day of Week Time AM/PM

Location of Violation: area between
2016 and 2018 Mt. Vernon

Ord. Section: 11-505

Description of Violation: condition #7 + #12
(litter on the site and public
rights-of-way shall be picked
up) -> trash outside and
around dumpster enclosure

Penalty \$: 50.00

☒ 1st ☐ 2nd
☐ 3rd/MORE ☐

IF THE VIOLATION IS NOT CORRECTED BY
Feb 5, 2001 AN ADDITIONAL MONETARY
PENALTY WILL BE ASSESSED.

Mark S. Wilson 102
Inspector's Signature ID Number

I personally observed or investigated the commission of the
violation noted above and/or violation was based upon signed
affidavit.

VIOLATORS COPY - WHITE
CITY ATTORNEY COPY - YELLOW
FINANCE COPY - PINK
PLANNING AND ZONING COPY - ORANGE

NOTICE SERVED ON: S 2000-0018

NAME: LAST FIRST MIDDLE

☐ PROPERTY OWNER
☐ COMPANY

NAME

POSITION

☐ OTHER

ADDRESS

CITY/TOWN

STATE

ZIP

SIGNATURE

DATE

I hereby acknowledge receipt of this Notice of
Violation. Signature is not an admission of guilt.

☐ PERSON REFUSED TO SIGN DATE

CERTIFICATE OF SERVICE

☒ Mailed/posted a true copy of this notice to the last
known home or business address of the respondent
or the respondent's agent

Thai Peppers Restaurant
Name of Person or Business Served

2018 Mt. Vernon Area
Address of Service

Alexandria Virginia
City/State

☒ Posted true copy of this notice at the site of the
infraction

The undersigned states that he/she is an employee of
the City of Alexandria Department of Planning
and Zoning and knows this Certificate of Service to
be true to the best of his/her knowledge.

01/26/01 Signature Mark S. Wilson
Print Name Mark S. Wilson
Date Phone # 838-4666

WARNING

YOU ARE REQUIRED TO RESPOND TO THIS NOTICE
OF VIOLATION WITHIN 15 DAYS OF THE DATE OF
SERVICE IN ONE OF THE FOLLOWING WAYS

2-01 TP NO 2093
1. TO PAY PENALTY AND WAIVE YOUR RIGHT TO A
HEARING:

- Check the "Admit Violation" or "No Contest" box below;
- Make personal check, cashier's check, certified check or money order payable to City of Alexandria. Do not send cash through the mail;
- Print violation notice number on the check or money order;
- Payment may be made by mail, or in person, at the Treasury Office, City Hall, 301 King Street, Room 1510, Alexandria, Virginia, between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-838-4949.

2. TO REQUEST A COURT HEARING:

- Check the "Contest in Court" box below and;
(a) Mail this completed notice to the Office of the City Attorney, City Hall, Suite 1300, 301 King Street, Alexandria, Virginia, 22314; or
(b) Appear in person or by an authorized representative, at the above address between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-838-4433.

- If you wish to contest this violation a date will be set for trial in the General District Court of Alexandria, Virginia. Failure to appear in court on the date set for trial, unless prior approval has been granted by a judge of that court, will result in the entry of a default judgement against you.

3. TO CONTEST THE INTERPRETATION OF THE
ORDINANCE:

- You have the right to appeal the interpretation of the zoning ordinance upon which this violation is based to the Board of Zoning Appeals within 30 days in accordance with 15.2-2311 of the Code of Virginia. The interpretation shall be final and unappealable if not appealed within 30 days.

FOR INFORMATION CONCERNING THIS TICKET CALL
PLANNING AND ZONING AT 703-838-4688

FAILURE TO RESPOND AS PROVIDED ABOVE WILL RESULT
IN THE ISSUANCE OF A SUMMONS TO APPEAR IN COURT
AND ANSWER TO THE VIOLATION FOR WHICH THIS NOTICE
WAS ISSUED

YOU MUST COMPLETE AND SIGN THIS
CERTIFICATION:

☐ ADMIT VIOLATION ☐ NO CONTEST ☐ CONTEST IN COURT

Name (print)

Street Address

City State Zip

I hereby certify under penalty of law, that I have
answered as indicated above, and corrected or made
substantial efforts to correct the violation that I have
admitted or for which I have pleaded no contest.

Signature Date

5117
2001-0018
2100

#4 SUP 2001-0012
P.C. 4-3-2001

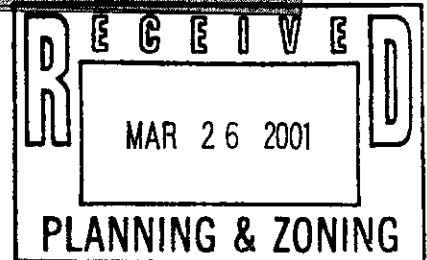
The Del Ray Citizens Association

P.O. Box 2233

Alexandria, Virginia 22301

eStablished 1954

To: Members of Planning Commission
Honorable Members of City Council
From: Bill Hendrickson, President
Stephanie Sechrist, Co-chair, Land Use Committee
Amy Slack, Co-chair, Land Use Committee
Date: March 23, 2001
Subject: SUP # 2001-0012 special use permit review for a restaurant, Thai Peppers.



At the Land Use and Executive Committee meetings on March 14th and 20th the subject case was discussed. Land use and executive committees voted to recommend *support* of the SUP but requested a six month review of the restaurant.

We request your support for this position and welcome your questions and comments. Please feel free to contact Amy Slack at 703-549-3412 or Stephanie Sechrist at 703-548-0536 and Bill Hendrickson at 703-549-7365 (days), 703-519-9410 (evenings).

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[must use black ink or type]

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Zip Code

Date

===== **DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY** =====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: 4/3/01 Recommend Approval 7-0ACTION - CITY COUNCIL: 4/21/01PH -- CC approved the Planning
Commission recommendation.